

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DONNA M. HARCUS,

Plaintiff,

v.

Case No. 19-cv-1449-pp

COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

Defendant.

**ORDER REQUIRING PLAINTIFF TO FILE AN AMENDED MOTION FOR
LEAVE TO PROCEED WITHOUT PREPAYING THE FILING FEE**

The plaintiff has filed a complaint seeking judicial review of a final administrative decision denying her claim for disability insurance benefits under the Social Security Act. Dkt. No. 1. She also filed a motion for leave to proceed without prepaying the filing fee. Dkt. No. 3.

To allow the plaintiff to proceed without paying the filing fee, the court first must decide whether the plaintiff can pay the fee; if not, it must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

The plaintiff's affidavit does not provide enough facts for the court to determine whether she can pay the filing fee. The affidavit indicates that the plaintiff is not employed, she is not married, and she has no dependents she is responsible for supporting. Dkt. No. 3 at 1. The only source of income the plaintiff lists is \$194 from "Food Assistance," id. at 2, and the only expenses the plaintiff lists are "\$194.00 for food," id. The court is perplexed as to how the

plaintiff is living. She lists no rent or mortgage payment, she doesn't own a car or a home, she has no property of value or cash on hand or in a checking or savings account. Id. at 2-4. Perhaps the plaintiff lives with family or friends free of charge, perhaps those family or friends also provide for her needs outside of food, but there is nothing telling the court whether that's the case or who supports the plaintiff. The court will ask the plaintiff to clarify her living situation in her amended motion. The plaintiff is represented by counsel, who should assist her in filling out the amended request.

The court **ORDERS** that the plaintiff must file an amended affidavit by the end of the day on **November 6, 2019**. If the plaintiff does not provide a new affidavit in time for the court to receive it by the deadline, the court will deny her application to proceed without prepayment of the filing fee and will require her to pay the full \$400 filing fee by a date certain.

Dated in Milwaukee, Wisconsin this 16th day of October, 2019.

BY THE COURT:



HON. PAMELA PEPPER
United States District Judge